

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Sri Venkateswara University, Tiruapti – Orders of Hon'ble High Court of A.P. in WPNo.25244 of 2011, dated 08.09.2011 filed by Dr.K.Gajendra Reddy, Asst. Professor (Retired), Dept. of History, SVU College of Arts, Tirupati – Implemented and Rejected – Orders – Issued.

HIGHER EDUCATION (UE.I) DEPARTMENT

G.O.Rt.No. 759

Dated:01-10-2012
Read the following:-

- 1) From the Registrar, SVU. Tirupati, Letter No.E(II)(4) /KGR/History/1986, dt.24.02.2011.
- 2) From Dr.K.Gajendra Reddy, (Retd), Asst. Professor, Dept. of History, SVU College of Arts, Tirupati, Representations dt.11.03.2011 and 23.06.2011.
- 3) Govt. letter No.5012/UE.I/A2/2011-1, H.E.(UE.I) Dept., dt.27.07.2011.
- 4) Orders of the Hon'ble High Court dated 08.09.2011 in WPNo.25244/2011 filed by Dr.K.Gajendra Reddy, (Retd), Asst. Professor, Dept. of History, SVU College of Arts, Tirupati.
- 5) From the Registrar, SVU., Tirupati, Letter No.E(II)(4) /KGR/History/1986, dt.21.11.2011.
- 6) Notice of the Hon'ble High Court dated 04.09.2012 in CC No.167 of 2012 in WPNo.25244 of 2011.

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In the reference 1st read above, the Registrar, Sri Venkateswara University, while explaining the various circumstances has requested the Government to consider and exempt Dr.K.Gajendra Reddy, Asst. Professor (Retired), Dept. of History, SVU College of Arts, Tirupati from the purview of G.O.Ms.No.126, Higher Education (UE.I) Department, dt.20.08.2010, as he was redesignated and rendered service as Asst. Professor and retired from University Service prior to the date of issue of G.O.Ms.No.126, H.E. (UE.I) Dept., dt.20.08.2010.

2. Dr.K.Gajendra Reddy, Asst. Professor(Retired), Dept. of History, SVU College of Arts, Tirupati, has also submitted his representations dated 11.03.2011, 23.06.2011 to the Government stating that, he has retired on 31.05.2010 i.e., much before the issuance of the G.O.Ms.No.126, H.E.(UE.I) Dept., dt.20.08.2010 and the retirement benefits like pension, gratuity and commutation were not settled by the University due to the Audit objection and the same would be settled only when the clarification on the said G.O. is received from the Govt. He has requested the Govt. to exempt from the purview of G.O.Ms.No.126 as requested by the University.

3. The above proposal of the Registrar, S.V.University and the representations of the individual dated 11.03.2011, 23.06.2011 have been examined by the Government and in Govt. letter No.5012/UE.I/A1/2011-1, dt.07.07.2011 it was informed that, the case of Dr.K.Gajendra Reddy also comes under the purview of G.O.Ms.No.126, H.E. (UE.I) Dept., dt.20.08.2010.

4. The Registrar, S.V. University in his letter 5th read above has informed that, Dr. K.Gajendra Reddy, has filed a Writ Petition No.25244 of 2011 before the Hon'ble High Court of A.P., making the State Government, Sri Venkateswara University, Tirupati and the District Audit Officer, State Audit, S.V. University as respondents, Praying the Hon'ble Court to issue an appropriate Writ or order or direction on the

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action of the respondents in not extending the benefits of G.O.Ms.No.14, H.E.(UE.II) Dept., dt.20.02.2010 as per the Revised Pay Scales 2006 and direct the respondents to pay the retirement benefits viz., Pension, Gratuity and commutation etc., to the petitioner.

5. The Hon'ble High Court of A.P. in its order dated 08.09.2011 in W.P.No.25244 of 2011 has disposed of the case and directed the respondents to consider the representations dt.11.03.2011 and 23.06.2011, submitted by the petitioner and pass appropriate orders thereon within a period of three months from the date of receipt of the orders. The Registrar while enclosing the representations of the individual dt.11.03.2011 and 23.06.2011, has requested the Govt. to exempt Dr.K.Gajendra Reddy, Retd. Asst. Professor, S.V.Arts College, Tirupati who retired on 31.05.2010 from the purview of G.O.Ms.No.126, H.E.(UE.I) Dept., dt.20.08.2010, since he was redesignated and having rendered service as Asst. Professor and retired from the University service prior to the date of issuance of the said G.O.

6. When the matter was under examination by the Government, the individual has filed a Contempt Case before the Hon'ble High Court in CC No.167/2012 praying to punish the respondents for willful and deliberate disobeying of the orders passed by the Hon'ble Court dt.08.09.2011 in WPNo.25244 of 2011 u/s.10 to 12 of the Contempt of Courts Act.

7. The redesignatin of non-teching posts into teaching posts viz., the Asst. Professors in favour of incumbents, who possess the prescribed qualifications as per UGC norms, was done in almost of all Universities in the State. This practice was continued upto 2006. The Govt. have reviewed the entire matter and observed that:

1. Once redesignated as Asst. Professor on the basis of educational qualifications and given UGC pay scale such employees later on claim promotion under CAS as Associate Professor and Professor.
2. They would also claim retirement at the age of 60 instead of 58.
3. They demand for a change in their function i.e. from their original job profile to one of teaching.
4. As per UGC Scheme (G.O.Ms.No.208, H.E.(UE.II) Dept., dated 29.06.1999) the teaching posts (Asst. Professor upwards) should be filled up by way of Director Recruitment through open advertisement calling for applications from all over India.
5. Hence, not withstanding past precedents, which do not appear to be correct decisions, as it would not be desirable to upgrade the State Scale posts to UGC Scale teaching posts only on the basis of possession of requisite educational qualifications, Government has taken a decision not to redesignate the State Scale posts to that of Asst. Professors in UGC Scales in Universities and issued Circular instructions accordingly, vide Lr.No.5057/UE.I/A1/2004-5, dt.23.03.2007.

8. Thereafter, Government have again reviewed the matter and issued orders vide G.O.Ms.No.126, H.E.(UE.I) Dept., dt.20.08.2010 that, further benefits of G.O.Ms.No.208, dt.29.06.1999 and G.O.Ms.No.14, H.E.(UE.II) Dept., dt.20.02.2010 to the redesignated Asst. Professors shall not be made applicable on the ground that their redesignation as Asst. Professors is not as per rules.

Contd...3.

9. Dr.K.Gajendra Reddy in his representation dated 11.03.2011 has informed that, the University has extended all the benefits to those redesignated and retired prior to issuance of G.O.Ms.No.126, dt.20.08.2010 on par with the direct recruitees and the State Audit has raised objection in his case on the ground that, his redesignation is not as per rules. But, the Director, State Audit in his letter dated 30.07.2012 has informed that, they have issued instructions vide T.O.Cir.Memo. Roc.No.188/A1/2012, dated. 07.2012, to recover the benefits of the G.O.Ms.No.208, dt.29.06.1999 and G.O.Ms.No.14, dt.20.02.2010 to the redesignated teachers and furnish compliance report.

10. After careful examination of the representations of Dr.K. Gajendra Reddy dated 11.03.2011 and 23.06.2011, who was re-designated as Asst. Professor and retired on 31.05.2010 and in compliance of orders issued in G.O.Ms.No.126, H.E. (UE.I) Dept., dated 20.08.2010, Government hereby reject the request to exempt from the said G.O.Ms.No.126, H.E.(UE.I) Dept., dt. dt.20.08.2010, though he has retired prior to issuance of G.O.Ms.No.126, H.E.(UE.I) Dept., dt.20.08.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.G.GOPAL
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Registrar, SRI Venkateswara University, Tirupati.
Dr.K.Gajendra Reddy, (Retd), Asst. Professor, Dept. of History,
SVU College of Arts, H.No.2-236A, Satyanarayanapuram,
Near Sivajyothinagar, Tirupati-517507.
The Government Pleader, A.P. High Court, Hyderabad.
The Director, State Audit, Andhra Pradesh, Hyderabad.
The Secretary, A.P. State Council of Higher Education, Hyderabad.
Copy to:
The Accountant General, Andhra Pradesh, Hyderabad.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER